

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Magistrate Number:

[UNDER SEAL]

AFFIDAVIT FOR CRIMINAL COMPLAINT

I, Gregg Frankhouser, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation. I have been employed as a Federal Agent since April of 2002. As part of my duties I investigate violations of federal law, including cyber crimes, particularly in relation to violations of Title 18, United States Code, Section 2261A which criminalizes, among other things, using any interactive computer service or any facility of interstate commerce to engage in a course of conduct that caused substantial emotional distress to a person, or place that person in reasonable fear of death or serious bodily injury to themselves or a family member. I have gained expertise in the conduct of computer-related investigations through training in seminars, classes, and everyday work related to conducting these types of investigations. Also, I have participated in the execution of multiple search warrants related to cybercrimes, including those which have involved the use of the computer to commit child exploitation and other computer-aided crimes.

2. This affidavit is made in support of an application

for a criminal complaint for violations of Title 18, United States Code, Sections 2261A, namely interstate or "cyberstalking."

3. The statements contained in this affidavit are based on my experience and background as a Special Agent and a member of the High Tech Crimes Task Force, run by the FBI. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Mark JULIANO has committed the crime of cyberstalking in violation of Title 18, United States Code, Section 2261A.

STATUTORY AUTHORITY

4. This investigation concerns alleged violations of Title 18, United States Code, Section 2261A, relating to the use of any facility of interstate commerce to engage in a course of conduct that caused serious emotional distress to a person, or placed that person in reasonable fear of death or serious bodily injury. A defendant who violates that statute engages in a course of conduct (two or more instances) and also acts with the specific intent to "kill, injure, harass, or place under surveillance with intent to kill, injury, harass, or intimidate, or cause substantial emotional distress to the person in another State."

BACKGROUND OF INVESTIGATION

Specific Probable Cause

5. The statements contained in this affidavit are based on my experience and background as a Special Agent and member of the High Tech Crimes Task Force, run by the FBI. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Mark JULIANO has committed the crime of cyber stalking, in violation of federal law, namely, Title 18, United States Code, Section 2261A.

6. The victim, an adult woman residing in the Western District of Pennsylvania, shall be referred to as "L.L." for purposes of this affidavit. L.L. was married to Mark Juliano for a number of years. They are presently divorced and have 4 children. L.L. has full custody of the children. An order entered August 3, 2010, directs that the defendant is only to have visitation with his children when supervised by an Allegheny County Deputy, by order of the Allegheny County Court Family Division. The defendant principally resides in the State of New York.

7. On August 24, 2010, a Final Protection From Abuse Order of the Allegheny Court of Common Pleas, Family Division, was entered against Mark J. Juliano, at FD 07-001557-004. This Order read, among other things: "DEFENDANT SHALL NOT ABUSE, STALK, HARASS, THREATEN, or ATTEMPT TO USE PHYSICAL FORCE THAT WOULD REASONABLY BE EXPECTED TO CAUSE BODILY INJURY to Plaintiff or any

of the other protected person in any place where they might be found .. ALL CONTACT BETWEEN DEFENDANT AND THE MINOR CHILD(REN) and/or PLAINTIFF SHALL BE LIMITED TO THE FOLLOWING: No contact with the minor child(ren) pending further order of the court." Defendant was expressly prohibited from possessing, transferring or acquiring any firearms or other weapons for the duration of the Order. The persons protected by the Order include L.L. and 4 minor children. The Order remains in effect until August 24, 2013. (This was not the first Protection from Abuse Order secured by L.L. against Mark Juliano).

8. On August 20, 2010, a Pennsylvania Magisterial District Judge, Robert L. Ford, authorized a criminal complaint against Mark Juliano for Stalking and Harassment, in violation of Title 18, Pa. C.S. Sections 2709A4, and 2709.1A2. That complaint alleges that: "The actor, with the intent to harass, annoy or alarm [L.L.], communicated to or about that person lewd, lascivious, threatening or obscene words, language, drawings, or caricatures, and/or communicated repeatedly in an anonymous manner and/or communicated repeatedly at extremely inconvenient hours, and/or communicated repeatedly in another manner .." The complaint further alleges, that "[t]he actor engaged in a course of conduct or repeatedly communicated to [L.L.] under circumstances which demonstrated or communicated either an intent to place that person in reasonable fear of bodily injury or to cause substantial

emotional distress to that person .."

9. In the criminal complaint are various emails from Mark Juliano, using email account "mjuliano4@comcast.net," addressed to victim L.L and to L.L.'s attorney. For example, one email sent on August 18, 2010, at 1:45 AM, reads:

[L]¹ and Cindy, So now, your stalking out my house. Fuckers ... good move, But I saw it coming. I've seen THE FIRM Cindy, you bitch, Cindy "B" for Bitch, berstein. And Men in Black, The Fugitive, The Longest Yard, Shawshank redemption, etc. And of course the Godfather part I, II, III, starring Don Tony Lisanti...he dies at the end. Right, yeah, sorry. See you at the funeral. I've learned a ton from these movies. Now we're playing Smith versus Smith with Angelina (the sexiest woman in the world and Brad Pitt the sexiest man - next to ME of course:) You may want to tell kathe Barge to watch out too. A motion is being filed against her too - for ILLEGAL wiretapping of my computer in 2007, using keystone recording software. Steve will lose his job, Kathe her life, and jail too. Police were at my house within minutes of my friend going over to help move some things. Yeah I know they are waiting to pick me up, but won't be given the chance. I'm too smart for you all. I'll just drive directly to the courthouse tomorrow morning and file 10 motions against Cindy, Lisa, Tony,

¹L.L.'s full or partial name is represented by [L] in the text of the e-mail.

judge hens Greco, etc. My criminal lawyer will accompany me, so there won't be any arrest, improper searches, drug and alcohol tests, etc. 2nd to last move-Rook to G7 check You're move - that would be King to H3 You know what the next move is, right? Ciao sweeties, can't wait to see you. I hope my kids are safe. M--- :)J- J----- M----:) M--- J-----:)² You've already gotten to lesley, as I know. trying to take everything I love away from me. Well, [L], you may Never see your children again-well-maybe some visitation with a police officer in the sewickley public library. Of course, when I get them, we'll be moving out of state to California, Italy, canada, or where ever. F--k you both -- up the ass no doubt By the way-[L] loved doing that when we first met. Several of my other girlfriends ask for it, I love cumming in their asses and they love it too:):):). Did your father ever do that to you [L]_or Cindy. like the priests do today We know he fucked you-sorry-he should have been a priest. Thats what the other chicks will be doing to you both in prison-you'll love it...just saying...Canada is great this time of year up here. can't touch me here, or in a foreign country or the mountains o Colorado or where ever."

10. Also in the complaint, on August 18, 2010, Juliano, using e-mail account mjuliano4@comcast.net sent another e-mail to

²Names of minor children redacted consistent with 18 U.S.C. § 3509.

L.L. and her attorney making ominous statements about the life and safety of the family of L.L., (threatening that his Italian buddies would come down and "get all of you"). Juliano closed the e-mail message saying, "she'll die a slow death," "scared yet?" and referring to L.L. or the other recipient as a "bitch."

11. Juliano voluntarily surrendered on the Allegheny County charges, and was subsequently released on bond. Despite the imposition of pretrial release conditions which bar contact, and the continuing applicability of the Protection from Abuse Order, Juliano appears to have continued communication with third parties who have transmitted those communications to L.L., and to have engaged in further acts that have harassed and placed L.L. in fear for herself and others. As one example, on October 18, 2010, Juliano communicated with an educational institution where one or more of his children attend school. He sought information about the childrens' progress and school schedules by falsely representing that he was "living outside the USA." Evidence collected to date indicates that Juliano also continued to transmit communications via the internet directly to his children following the issuance of a Protection from Abuse Order in August 2010.

12. Undersigned affiant has interviewed L.L., and is in possession of a considerable number of e-mail and text messages from Mark Juliano which have harassed L.L., placed her in fear for the lives of herself and others, and which have caused substantial

emotional distress. Juliano also posts considerable demeaning, harassing, derogatory and humiliating information relating to L.L., her family and others on public source internet websites, which I have reviewed.

13. The undersigned affiant submits based on the facts set forth in this affidavit, that there is probable cause to believe that Mark JULIANO has committed the crime of interstate stalking via computer.

CONCLUSION

14. Based on the above information, there is probable cause to believe that Mark JULIANO violations of 18 U.S.C. § 2261A.

15. By this affidavit and application, I request that the Court issue an arrest warrant and authorize a criminal complaint, under seal, for defendant Mark JULIANO.



GREGG FRANKHOUSER
Special Agent
FBI

Subscribed and sworn

before me this 2nd of Nov. 2010


ERVIN S. SWEARINGEN
United States Magistrate Judge